

**MINUTES OF THE REGULAR PLANNING BOARD MEETING  
MONDAY, MARCH 9, 2009**

President Kohlstrand called the meeting to order at 7:05 p.m.

2.     FLAG SALUTE:     Board member McNamara led the flag salute.

3.     ROLL CALL:       President Kohlstrand, Vice-President Ezzy Ashcraft, Board members Autorino, and McNamara were present upon roll call.

Board members Cook, Cunningham, and Lynch were absent.

STAFF PRESENT: Andrew Thomas, Planning Services Manager/Secretary to the Planning Board; Jon Biggs, Planning Services Manager, Cynthia Eliason, Supervising Planner, Simone Wolter, Planner I, Althea Carter, Executive Assistant/Recording Secretary

4.     MINUTES:

Minutes from the meeting of December 8, 2008. Vice President Ezzy Ashcraft moved/Board member Autorino seconded the motion to approve the minutes as presented from December 8, 2008.

**Approved 4-0.**

Minutes from the meeting of January 26, 2009. Board member Autorino moved/Board member McNamara seconded the motion to approve the minutes as presented from January 26, 2009.

**Approved 4-0.**

Minutes from the meeting of February 9, 2009.

**Continued to the meeting of March 23, 2009.**

Minutes from the meeting of February 23, 2009 (pending)

5.     AGENDA CHANGES AND DISCUSSION:

**None**

6.     STAFF COMMUNICATIONS:

Written Report

**6-A.**   Future Agendas – Staff presented the report.

**6-B.**   Zoning Administrator Report – Meeting of March 3, 2009 – **Canceled**

7.     ORAL COMMUNICATIONS:

- \*       Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

8.     CONSENT CALENDAR:

*Consent Calendar items are considered routine and will be enacted, approved or*

*adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.*

**None**

9. REGULAR AGENDA ITEMS:

- 9-A. Draft Housing Element Update – Citywide – City of Alameda.** Provide comments on the Draft Housing Element 2007-2014 and direct staff to forward the Draft Housing Element to the California Department of Housing and Community Development (HCD) for review. (CE)

Staff presented the report and informed the Board that the Housing Element is a required element of the General Plan. The City's current Housing Element was adopted in 2003. 2007-2014 is the period that is covered by the proposed Housing Element. At the request of the Planning Board, staff added information on income level classifications to the staff report. Staff informed the Board of the process for approval of the Housing Element by the State Housing and Community Development department (HCD). Updated policies in the new element include the Northern Waterfront, review of redevelopment areas, and policies incorporating sustainable development and design from the Local Action Plan.

Staff stated that the current proposed numbers are realistic. Staff's approach was to identify all available sites for housing development and then wait for comments from HCD.

Vice President Ezzy Ashcraft asked for an explanation of Community Development Block Grants (CDBG).

Staff informed the Board that CDBG are federal funds guaranteed to any community with a population over 50,000. These funds are monitored and disbursed by Development Services Department. The funds are used for housing and other programs.

The hearing was opened for public comment.

M. Warrenberg spoke in opposition to development of the Island High site for housing. She stated she would like the project reduced from 16 units to a maximum of 12 units on the site.

N. Folsom spoke on behalf of the Alameda Homeless Network. He asked if any impact on the shelter has been identified as a result of additional housing development.

Staff stated that page 32 of the Housing Element discusses emergency shelter and homeless needs and there are no plans to displace or move the shelter.

The public hearing was closed.

President Kohlstrand suggested the Board organize the discussion by providing general comments on the Housing Element then specific comments on each chapter.

Board member McNamara stated she thought it was a thorough document, addresses issues, and is a good tool to assist the Board moving forward.

Vice President Ezzy Ashcraft stated that with the current economic situation the document takes on urgency and addresses the possible need for additional housing for all income levels.

Board member Autorino stated that it is a good plan to increase all levels of housing needs in a city with limited space.

President Kohlstrand stated she thought the document was comprehensive and suggested including an executive summary or paragraph describing the background of the Housing Element, or staff analysis. She would like it to include a summary of where the City is, what the City can accomplish and how the City plans to meet these objectives.

Vice President Ezzy Ashcraft referred to page III-16. She would like to understand what items staff considers priority items.

President Kohlstrand stated the report should stress that Alameda is an island and has limited opportunities for housing development.

Staff stated an introduction and or summary at the beginning of the Housing Element would be included and additional public hearings will take place.

A Board discussion ensued on public input to the Housing Element.

Staff suggested sending the document to HCD for review, and during the 60-day review period staff can discuss with the Board opportunities for community input.

Vice President Ezzy Ashcraft referred to page II-1 Housing Policies and stated this section appears to be directed towards the Northern Waterfront. The Housing Element discusses allowing housing in areas zoned for industry and commercial use. She would like staff to address what issues surface when locating housing next to commercial uses to ensure compatibility.

Staff stated that conformance rezoning is an existing project in the department and staff plans to start with areas designated for housing in the Housing Element.

Vice President Ezzy Ashcraft referred to policy II-6 3d and asked staff to elaborate on the Island High site's availability for non school district employees. She asked if there were a specific number of units set aside for school district employees.

Staff responded that the use of redevelopment funds precludes the City from restricting which applicants can apply for housing on this site. There is no specific number of units set aside for school district employees but they are being given priority.

President Kohlstrand referred to policy II-2 (b.i) and asked if the home ownership goal was a result of a 2001 policy adopted by City Council. She asked if the policy should be revisited.

Staff responded that they will research the 2001 policy to determine if the situation has changed and whether the policy should be revisited. In 2001 Alameda had a high amount of rental units and the City wanted to encourage home ownership. The policy facilitated condominium conversions.

President Kohlstrand referred to policy II-6 3a and asked if this review had been accomplished. She believes the density bonus ordinance addresses the 25% inclusionary requirement and asked if there was a conflict.

Staff responded that the review is pending.

President Kohlstrand asked that staff discuss the relationship between homeless shelter funding referred to on page II-7 3-h and emergency shelter referred to in item 3-e. She asked if the City needed to increase homeless shelter funding.

Staff responded that the City assists existing homeless shelters with funding. Policy 3-h addresses a new state law which states the City needs to create, within at least one zoning district, the ability for a shelter to go in without discretionary review.

In response to a question by President Kohlstrand staff responded that there continues to be a need to create additional beds in Alameda.

Vice President Ezzy Ashcraft referred to page II-5 g and asked for an explanation of an undocumented dwelling unit. She also asked how people find out about the amnesty program.

Staff responded that the amnesty program is run by the Building Division. Some multiple dwelling units in Alameda do not have the required permits and are considered undocumented. The amnesty program provides a mechanism for owners of these types of units, who are not subject to code enforcement, the ability to obtain permits based on codes in effect at the time the units were built. There has been outreach to realtors and the City's building official wrote an article in the local newspaper.

President Kohlstrand referred to chapter III and stated she likes the layout: of programs, analysis, and target objective, objective met. She would like to see this layout used consistently throughout the document.

Vice President Ezzy Ashcraft referred to page III-4 Limited Equity Cooperatives/Land Trust Model and asked why there are no additional projects planned in the new housing element.

Staff responded that this information was provided by the Development Services Department and staff will need to research why this program is considered no longer viable.

President Kohlstrand referred to the targets/objectives and asked why the targets are definitive on some but rather loose on others.

Staff responded that these are also Development Services programs and at the time this report was written the amount of funds available for some of the programs was not known.

President Kohlstrand stated it was difficult to determine where the City was successful and where the City was unsuccessful. She stated this information would be helpful for the Board to get a sense of what was effective and what was not.

Staff referred the Board to table III-1 for a list of completed projects.

President Kohlstrand stated she would like the information to clearly show what was accomplished within the existing Housing Element and accomplishments under the proposed Housing Element.

Staff stated they will confer with Development Services and provide the Board with the requested information.

Vice President Ezzy Ashcraft referred to chapter IV page IV-2 where the report refers to 300 Navy housing units and asked if these were existing housing units and where they were located.

Staff stated these units were existing Coast Guard housing.

Vice President Ezzy Ashcraft referred to IV-4 where it states “not military employees” and asked what the significance of the statement was and what were the implications for the City regarding housing.

Staff stated it is the way the census counts the population living on a military site but are not military personnel.

Vice President Ezzy Ashcraft requested staff add a sentence explaining why this statement was included. She referred to page IV-25 condominium conversion and asked staff to explain the reference to developers.

Staff stated that there have been a number of lawsuits involving condominium conversions related to common walls, windows, utilities, etc. Developers have difficulty navigating through the City’s processes relating to multi family units. A condominium conversion must be brought up to current building codes including structural modifications which can be costly.

Vice President Ezzy Ashcraft asked staff to provide the Board with suggestions for improving the condominium conversion process.

Staff stated the condominium ordinance will be brought before the Planning Board later this year.

Vice President Ezzy Ashcraft stated she would like the ordinance designed to make condominium conversions easier.

Staff stated they would research the 2001 policy regarding the 60 percent/40 percent threshold to determine how the process for condominium conversions can be streamlined.

President Kohlstrand recommended review of the text and tables in the document to ensure consistency throughout. She noticed the change in income levels on page IV-9 4a for Alameda residents and asked staff to review for accuracy.

Staff responded that all numbers in the document will be reviewed for accuracy.

President Kohlstrand referred to page IV-13 table 4-10 and asked staff to check the numbers referred to in this section. She referred to page IV-17 table 4-13 and asked for an explanation for why the number of units is declining.

Staff stated the numbers represent changes at the naval base.

President Kohlstrand asked if there were any mobile homes in Alameda.

Staff stated that there are no mobile home parks in Alameda but there are caretaker units on industrial properties.

Vice President Ezzy Ashcraft referred to page III-9 policy 2.a.vii (work/live units) analysis and recommendations, and asked if suggestions would be presented to the board at a future date. She referred to page III-17 2.e.iv action plan, and asked if any additional incentives were being proposed.

Staff responded that the affordable housing fee is for new commercial or residential development. An applicant has the option to pay into a fund managed by Development Services. Staff intends to review the work/live ordinance and return to the Board with recommendations.

President Kohlstrand referred to chapter V table V-1 page V-4. She stated that this section lists sites that can accommodate housing and asked staff to explain how unit counts were achieved and asked whether it is appropriate to reduce the number of units designated for the Island High site.

Staff stated that mid-range numbers, 15 dwelling units per acre, were used for medium density residential areas. For the Island High site the amount of funding available was used to determine the minimum number of units.

President Kohlstrand requested staff add a discussion in the footnote as to how the unit count for the Island High site was achieved and make it clear that the number is an estimate.

Board member McNamara asked if there were other sites on the list that have been around as long as the Versailles site. She asked if it should be included since it has not been developed for about 30 years.

Staff responded that the Housing Element law does not require that cities build units. It requires cities to make land available for units to be built. The Versailles site has the correct zoning and infrastructure to be included on the list.

In response to a question by Board member McNamara, staff affirmed it is a clean site.

Board member Autorino referred to page V-2 where it states there are 3,768 units proposed but the table on page V-1 states 3,708 units.

Staff responded that all numbers in the report will be rechecked and corrected where appropriate.

President Kohlstrand referred to the Island High site and stated she is leaning towards accepting 12 units for this site.

Vice President Ezzy Ashcraft stated she is inclined to support staff and stay with 16 units for the site since that is the minimum units that can be built at this location.

Board member McNamara stated she supports Vice President Ezzy Ashcraft's position and does not want to single out the Island High site. She supports the staff recommendation.

Staff stated a discussion with Development Services will occur to ascertain why 16 units were determined to be the minimum for the site, and then staff would decide whether the number should be reduced.

President Kohlstrand stated she wanted to reiterate that this is not a final number of units for the site it is an estimate. She referred to chapter VI page VI-10 h: "The minimum lot size represents a reasonable and justifiable approach to protecting Alameda's small-town community character. Since the regulation serves credible policy objectives, it would not be appropriate to eliminate the regulation." She believes this statement is subjective rather than an objective observation.

Vice President Ezzy Ashcraft agreed with President Kohlstrand.

Board member Autorino suggested removing the two sentences. He believes the sentence following the two mentioned by President Kohlstrand covers what is being stated.

President Kohlstrand summarized the board's comments and requested they be completed by staff prior to the Housing Element being forwarded to HCD for review. She stated that once the Housing Element is reviewed by HCD, and staff re-presents it to the Board, staff will provide suggestions on community outreach.

Staff stated the Boards' comments, edits, and suggestions would be incorporated into the document, the document would be forwarded to HCD for review and a copy would be transmitted to the Board; staff will also make the document available to the public. Once comments have been received from HCD, staff will provide suggestions for a community workshop or other forum for public comments.

President Kohlstrand requested the item be placed on a Planning Board agenda in 2 months after comments have been received from HCD.

**Vice President Ezzy Ashcraft moved/Board member Autorino seconded the motion to direct staff to forward the draft Housing Element, including comments, suggestions,**

**and edits by the Board to the California Department of Housing and Community Development for review. The motion carried 4-0.**

**9-B. Initiation of General Plan Conformance Rezoning for Properties Listed in the Housing Element.** The Planning Board will consider a request to initiate the rezoning process for properties identified as suitable for housing in the 2003 General Plan Housing Element. (CE)

Staff presented a PowerPoint presentation.

Vice President Ezzy Ashcraft asked if any comments had been received from the property owners.

Staff stated that, as a result of discussions with the owners, two sites were removed from the list because they were active industrial sites, and will be reviewed by staff in a second phase of the rezoning process. Staff spoke with the property owner of 1 Singleton Avenue. The site is located between Alameda Point and the North Housing area. The owner understands the rezoning process and that the site would become a nonconforming use.

Board member Autorino asked if staff was informing the Board that no major issues were anticipated from this rezoning.

Staff responded that is a correct statement based on the feedback staff has received to date.

Board member McNamara asked if there were any financial impacts to the property owners as a result of the rezoning.

Staff responded that the major factor with rezoning is that the current tenant would become a nonconforming use.

Board member Autorino stated he would like to see a list of all the sites where staff is considering zoning changes.

Staff stated that this information would be coming to the board at a future date. Staff could prepare a list of properties where the general plan and zoning are not consistent.

President Kohlstrand asked why staff chose not to bring all the nonconforming sites listed on the Housing Element to the board at this time.

Staff responded that it was a matter of available resources. The sites being presented tonight were thought to be the least problematic.

President Kohlstrand asked if there was any discussion in the Housing Element about staff's approach to rezoning the sites in clusters over time.

Staff responded in the negative.

**Board member Autorino moved/Board member McNamara seconded the motion to**

**direct staff to initiate the rezoning process for properties identified as suitable for housing in the 2003 General Plan Housing Element. The motion carried 4-0.**

**9-C. Density Bonus Ordinance – Citywide – City of Alameda.** Recommendation to the City Council on the proposed Density Bonus Ordinance and proposed Negative Declaration. (JB)

Staff presented the Density Bonus Ordinance and the Draft Negative Declaration. A density bonus ordinance provides incentives for developers to develop housing for very low, low, and moderate income groups within market rate housing developments by allowing an increase in unit density and/or modified development standards. Density bonuses up to 35 percent would be dependent on the types of projects. The ordinance also rescinds the existing inclusionary housing ordinance requiring 25% affordable housing units in redevelopment areas.

Board member McNamara asked whether the income category ‘extremely low’, as noted in the draft Housing Element would be also be considered for inclusion in this ordinance.

Staff responded that this category is not explicitly called out in this ordinance, but that the extremely low income category is included in the low income category.

President Kohlstrand requested clarification on the ordinance language on page 3, and wanted to ensure that the ordinance was reviewed by the legal division so that no developer would be able to apply two or more density bonuses to one project.

Staff clarified that a developer would only be able to apply one of the different density bonuses and must select from only one category.

Vice-President Ezzy Ashcraft requested clarification of the ordinance language at the bottom of page 4, which states that for low income housing units, the affordability requirements were applicable for the duration of all financing methods, while for moderate income units, the affordability requirement ceased upon sale by the first moderate income owner.

Staff explained that for those units developed under the Density Bonus ordinance, the initial purchaser must qualify as a moderate income to purchase the unit, but may sell at market rates. However, if there are affordable units in the development that were required by the inclusionary units ordinance, then those units would retain the affordability mandates that they remain affordable for 50 years.

President Kohlstrand requested clarification on how the City would count inclusionary housing units toward a Density Bonus. President Kohlstrand also asked if developers would be able to double count units per each ordinance to get additional incentives.

Staff explained that staff was recommending that the inclusionary ordinance be amended to have a city-wide 15 percent affordable housing unit requirement as opposed to a 25 percent inclusionary housing requirement in redevelopment areas. This rollback would prevent developers from automatically receiving a density bonus for certain projects. In addition, staff stated that units developed under those separate ordinances could not be double counted to achieve a density bonus.

President Kohlstrand closed the board discussion and opened for public hearing.

Chris Buckley submitted a letter to the Planning Board recommending that incentives or concessions be limited to those incentives that are mandated by the state, opposed to developing individual concessions that make an end-run around local zoning standards.

President Kohlstrand closed the public hearing.

President Kohlstrand asked for clarification on whether existing single-family homes could be converted to multiple units, receive a density bonus, and be subject to Article 26.

Staff explained that this scenario would be possible and that Article 26 would still apply as well as the density bonus ordinance.

President Kohlstrand asked which incentives are mandated by the State.

Staff stated that incentives #2, #3, #4, #5, and #7 are all mandated by the State.

President Kohlstrand questioned whether the proposed incentives may need to be revised to restrict the incentives.

Staff responded that State law explicitly encourages affordable housing development and encourages cities to develop incentives in addition to the mandated incentives developers to create affordable housing.

Vice-President Ezzy Ashcraft revisited the scenario in which a large single family home would be subdivided into several units. Vice-President Ezzy Ashcraft cautioned that such a affordable housing development would likely lead to overcrowding.

Staff explained that the set of circumstances that would allow such a development are extremely rare in Alameda, and such a development would not likely become common place.

Board member Autorino asked how the incentive list was developed.

Staff responded that the list was developed in an iterative process with several City departments.

Board member McNamara moved and Vice-President Ezzy Ashcraft seconded the motion to continue the Density Bonus ordinance to the next meeting to allow for review of all new material and consider the statements discussed in this session.

Staff agreed to place this ordinance on the next Planning Board agenda for March 23, 2009.

**The motion carried 4-0.**

10. WRITTEN COMMUNICATIONS:

**None**

11. BOARD COMMUNICATIONS:

*Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendaize a matter of business on a future agenda.*

**None**

12. ADJOURNMENT: @ 10:05 p.m.

Respectfully submitted,

Andrew Thomas, Secretary  
City Planning Board

This meeting was audio and video taped.